

12 FAM 360 CONSTRUCTION SECURITY CERTIFICATION PROGRAM

12 FAM 361 SCOPE AND AUTHORITY

12 FAM 361.1 Purpose

(TL:DS-39; 8-15-94)

a. The Construction Security Certification Program assures Congress that the Department of State has taken appropriate and adequate steps before:

(1) Undertaking any new construction or major renovation project in any facility abroad intended for the storage of classified materials or the conduct of classified activities; or

(2) Approving occupancy of a similar facility for which construction or major renovations began before December 22, 1987.

b. The Certification Program also assures Congress that a plan is in place for the continued evaluation and maintenance of adequate security at such facility.

c. For such facilities, no contract should be awarded or construction undertaken until the proponent of a project has been notified by the Department that the appropriate certification action has been completed.

12 FAM 361.2 Applicability

(TL:DS-39; 8-15-94)

a. All new construction or renovation projects in a facility under the authority of a chief of mission are subject to either certification to Congress or internal Departmental confirmation when the facility is intended for the storage of classified materials or the conduct of classified activities and such a project affects a controlled access area (CAA) space or public access control (PAC) space. The certification requirement is applicable to all new office buildings (NOBs).

b. The Office of Physical Security Programs, Physical Security Division, Certification and Transit Branch (DS/PSP/PSD/CAT) administers a two-tier system to meet the statutory certification requirements:

(1) Certification projects: The construction security of all new buildings and major renovation projects (over \$1 million) in any facility abroad intended for the storage of classified materials or the conduct of classified activities where the project would affect controlled access areas (CAAs) or public access controls (PACs) is certified to Congress; and

(2) Confirmation projects: The construction security of projects in any facility abroad intended for the storage of classified materials or the conduct of classified activities where the project would affect CAAs or PACs but costs less than \$1 million, is confirmed internally.

12 FAM 361.3 Responsibility

(TL:DS-39; 8-15-94)

a. The chief of mission is responsible for ensuring that no project subject to either certification or confirmation is initiated without certification or confirmation approval.

b. The proponent (post, Department organization, or tenant agency) of a project covered by section 12 FAM 361.2, paragraph a, is responsible for providing the Office of Foreign Buildings Operations, Program Execution Office, Construction Security Management Division (A/FBO/PE/CSM) with complete project information. This information is used to prepare the construction security plan (CSP).

c. After assembling complete information on the project, A/FBO/PE/CSM will provide DS/PSP/PSD/CAT with the CSP and other required data. The CSP will be project specific and will include a statement of work, labor schedule, and procurement plan. Document, personnel, and procedural security requirements are also to be included in the CSP, along with any additional information necessary to provide a clear security overview of the project.

d. After mandatory consultation with the Director of Central Intelligence (DCI), DS/PSP/PSD/CAT will determine the need for a certification or internal confirmation, prepare a Congressional certification or internal confirmation package where appropriate, and coordinate the Congressional certification or internal confirmation action.

12 FAM 361.4 Authorities

(TL:DS-29; 3-25-93)

The requirement for a construction security certification program is established by Pub. L. 100-204, the Foreign Relations Authorization Act for Fiscal Years 1988 and 1989, Section 160, as amended by Pub. L. 101-246, the Foreign Relations Authorization Act, Fiscal Year 1990 and 1991, Section 135 (22 U.S.C. Section 4851 note).

12 FAM 362 CERTIFICATION ACTION

12 FAM 362.1 Congressional Certification

(TL:DS-39; 8-15-94)

a. The construction security of all construction or renovation projects described in section 12 FAM 361.2, paragraph a, and costing \$1 million or more, including all NOBs, will be certified by the Secretary of State to the Senate Foreign Relations Committee and the House Foreign Affairs Committee. This authority has also been delegated to the Under Secretary for Management.

b. The Secretary of State, after consultation with the DCI, certifies the following:

(1) Appropriate and adequate steps have been taken to ensure the security of the construction project (including an evaluation of how all security-related factors with respect to such project are being addressed);

(2) The facility resulting from such project incorporates:

(a) Adequate measures for protecting classified information and national security-related activities;

(b) Adequate protection for the personnel working in the facility; and

(3) A plan has been put into place for the continued evaluation and maintenance of adequate security at such facility, which plan shall specify the physical security methods and technical countermeasures necessary to ensure secure operations, including any personnel requirements for such purposes.

12 FAM 362.2 Department Confirmation

(TL:DS-39; 8-15-94)

a. All construction or renovation projects will be confirmed, depending on the nature of the project, by the Assistant Secretary for Diplomatic Security or a designate, to the file if they are covered by section 361.2, paragraph a, and:

(1) Costs less than \$1 million but more than \$100,000; or

(2) Costs less than \$100,000 but requires more than 15 man-days to complete; or

(3) Post or the Department believes the project to be of such security significance that it should be reported to the Department.

b. Departmental confirmation requires the same information required for congressional certification. See section 362.1, paragraph b.

c. The plan must be made available to security engineering officers (SEOs) for the conduct of a technical inspection of the project, if appropriate.

12 FAM 363 EMERGENCIES

(TL:DS-39; 8-15-94)

a. In the event of an emergency which threatens national security activities or information, life or safety, including structural damage to a building, emergency repairs may be made in a CAA or to a PAC without prior Department notification. These repairs will be limited to those necessary to remove the immediate danger.

b. The RSO or PSO will notify DS/PSP/PSD/CAT and A/FBO/PE/CSM, and the responsible engineering services center by immediate telegram. If the RSO is not resident at post, the PSO will also notify the RSO by immediate telegram. The telegrams will include:

(1) Nature of the emergency;

(2) Extent of repairs;

(3) Who made the repairs, (e.g., GSO, Foreign Service nationals, host-country contractors); and

(4) A synopsis of security measures taken to ensure the continued integrity of the CAA (e.g., escorts, surveillance, etc.).

c. Emergency repair work is not exempt from certification or confirmation action. Therefore, the security procedures which are implemented must be adequate to permit certification or confirmation after the fact.

12 FAM 364 THROUGH 369 UNASSIGNED

